



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,822	12/04/2003	Harold J. Weber	203A136	5531
7590	04/21/2005		EXAMINER	
HAROLD J. WEBER P.O. Box 169 Centerville, MA 02632-0169				LAI, ANNE VIET NGA
		ART UNIT	PAPER NUMBER	2636

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/726,822	WEBER, HAROLD J.
Examiner	Art Unit	
Anne V. Lai	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5,6,9 and 13-20 is/are rejected.
- 7) Claim(s) 4,7,8 and 10-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5, 9, 13, 17 and 19 are rejected under 35 U.S.C. 102(a) as being unpatentable by **Linnett et al.**

Regarding claims 1, 9 and 17, **Linnett et al** disclose an apparatus and a method for emergency signaling as the claimed invention wherein the portable appurtenance is a personal location beacon or a mobile telephone messaging; comprising a first timer to control the activation of the emergency signaling (active mode) and a second timer operates at shorter time interval to request the user push a manual actuator to confirm his safety status (abeyant mode) (figs. 4-6; col. 6, lines 7-41; col. 8, lines 10-19).

Regarding claims 2, **Linnett et al** disclose the apparatus sent a wireless distress signal in short datagram format (encoded) to a local base station for alarm generation in response to the emergency signaling state (col. 6, lines 42-64).

Regarding claim 3, **Linnett et al** disclose a monitoring station can serve a plurality of clients using a message-scheduling timetable (fig. 10; col. 7, lines 10 through col. 8, line 9).

Regarding claims 5, 13 and 19, **Linnett et al** disclose the monitoring station (local base station) automatic dialing and sending a predetermined emergency message signal to a care-provider (fig. 5; col. 5, lines 46-65; col. 7, lines 38-46).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Linnett et al** in view of **Sahai et al** [US. 6,332,100]

Regarding claims 6 and 14, **Linnett et al** disclose the emergency communication automatic switch over from mobile telephone network to satellite communication network if the first network fails to deliver the message signal; **Sahai et al** teach an emergency communication wherein if there is no response from a first care-provider, the communication is redirected to a second care-provider phone connection (col. 6, lines 8-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made, an emergency call with no response must be redirected to another emergency handling person for assuring the distress signal is received by a care-provider for immediate care action to the at-risk user.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Linnett et al** in view of **Wade** [US. 2003/0027547].

Regarding claim 18, **Linnett et al** disclose the emergency signaling apparatus is a portable wireless communication device; **Wade** teach a wireless personal pendant for emergency calling (pendant 40, bracelet, figs. 4-5; [0279]). It would have been obvious to one having ordinary skill in the art the portable apparatus of **Linnett et al** can be disguised as a pendant as well based on designer choice for the convenient of the user carrying the device with ease.

#### ***Allowable Subject Matter***

6. Claims 4, 7-8, 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Kennard et al** disclose a telephone alarm system. [US. 4,492,820]

**Greenberg et al** disclose a monitoring and locating system with range testing. [US. 4,918,425]

**Greene** discloses a remote transmitter unit. [US. 6,185,410]

**Camp** discloses communication system comprising communication between plural remote units and communication center. [US. 2005/0032504]

**Ursini** discloses a kid trac in the form of pendant or bracelet. [US.

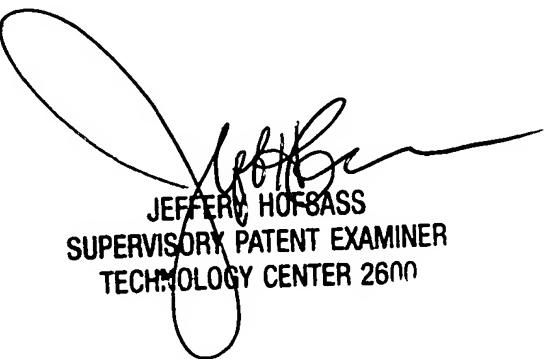
2005/0020274]

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. V. Lai  
April 7, 2005

  
JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600